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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,438	06/14/2001	Randy De Meno	044463.0031	8825

29858 7590 07/30/2004

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP  
900 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,438

Applicant(s)

MENO ET AL.

Examiner

Nilesh Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-18 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis et al

(5,896,531) (hereinafter Curtis).

4. As per claim 1, Curtis teaches a computer system comprising:

a processor for operating a software application in the computer system;

the software application providing for creation, storage, and retrieval of a file, the file

having a corresponding environment that the software application uses for at least the

purpose of preparing the software application to display the file upon its retrieval by the

software application(col. 4 lines 44 -56, col. 7 lines 10-19, col. 8 lines 45-51, col. 9 lines 23-50);

a plurality of storage media that are communicatively coupled to the processor (fig. 2b

element 106, (col. 4 lines 19-37) ; and

a storage management module that distributes stored files and their accompanying environments among the plurality of storage media according to predetermined patterns, one of such predetermined patterns being separate storage of a file and the file corresponding environment (col. 4 lines 44-55, col.3 lines 55- 60, col. 9 lines 23-50).

Curtis does not specifically teach the use of a profile in different modules. It would have been obvious to equate a profile with the object management environment because both include information about the specific file or environment. Therefore it would have been obvious to one skilled in the art at the time of the invention to include the use of a profile.

5. As per claim 2, Curtis teaches a computer system wherein at least one of the plurality of storage media is located locally (fig 1 element 14, col. 3 lines 1-9).
6. As per claim 3, Curtis teaches a computer system wherein at least one of the plurality of storage media is located remotely (fig.1, col. 3 lines 10-30).
7. As per claim 4, Curtis teaches a computer system wherein the separate storage by the storage management module is configured to provide more rapid retrieval of the application specific profile than of the file associated with the application specific profile (col. 3 lines 55-65, col. 4 line 10-18).

8. As per claim 5, Curtis teaches a computer system wherein the profiles that are stored among the plurality of storage media comprise different profiles for different versions of a corresponding file (col. 3 lines 31-35, 4 lines 32-37).
9. As per claim 6, Curtis teaches a computer system wherein the storage management module provides concurrent access of the profile and the file (col. 9 lines 25-48).
10. As per claim 7, Curtis teaches a computer system wherein the profile is retrieved prior to the file and sets up the software application in preparation for receipt of the file (col. 9 lines 10-48).
11. As per claim 8, Curtis teaches an application specific profile storage and retrieval system comprising:
  - a software application that creates files with corresponding environment specific to the software application and each of the files that are created, the software application being operable by a processor(col. 4 lines 44 -56, col. 7 lines 10-19, col. 8 lines 45-51, col. 9 lines 23-50);
  - a plurality of storage media that are selectively used by the processor to store the application specific environment separately from the files(fig.1, col. 3 lines 10-30).; and
  - a storage management module operable by the processor that manages storage of the application specific environment and the files such that application specific

environment may be retrieved separately from the corresponding file itself(col. 4 lines 44-55, col.3 lines 55- 60, col. 9 lines 23-50). Curtis does not specifically teach the use a profile in different modules. It would have been obvious to equate a profile with the object management environment because both include information about the specific file or environment. Therefore it would have been obvious to one skilled in the art at the time of the invention to include the use of a profile.

12. Claims 9-14 are rejected based on the same rejection for claims 2-7 above.

13. As per claim 15, Curtis teaches method for storage and retrieval in a computer system comprising:

creating a file with a software application that creates a corresponding profile that accompanies the file with each access of the file, a new profile being created at least each time the file is saved (col. 7 lines 10-19);

sending the file, with the software application, to a storage management module that manages storage of the file with its accompanying profile and storing the file and its accompanying profile to separate storage locations in the computer system (col. 9 lines 20-44);

requesting for the retrieval of the file with the software application such that the storage management module retrieves the file with its accompanying profile as though the file

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and its accompanying profile were located in a single position(col. 4 lines 44-55, col. 9 lines 20-44); and

formatting the software application with the retrieved profile prior to display of the file with the software application (col. 4 lines 44-55).

14. As per claim 16, Curtis teaches method wherein the software application is selected from the group consisting of a word processor, an engineering graphics program, a standard graphics program, and a web browser (col. 1 lines 20-27, col. 1 lines 55-57).

15. As per claim 17, Curtis teaches method wherein a different profile is stored with the storage of each version of the file as the file is created (col. 3 lines 51-60, col. 7 lines 10-20).

16. As per claim 18, Curtis teaches method wherein the storage management module distributes different files and versions of those files in a first set of storage media and stores different profiles for each of the files and version of those files in a second set of storage media (col. 4 lines 44 -56, col. 7 lines 10-19, col. 8 lines 45-51, col. 9 lines 23-50).



*Conclusion*


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is 703-305-8105. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, meng An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah  
Examiner  
Art Unit 2127

NS  
July 19, 2004

  
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SUPERVISORY PATENT EXAMINER  
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